

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

2842

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

**10/518040**

INTERNATIONAL APPLICATION NO.

PCT/US03/11693

INTERNATIONAL FILING DATE

16 April 2003

PRIORITY DATE CLAIMED

20 June 2002

TITLE OF INVENTION

METHOD AND APPARATUS FOR ANASTOMOSIS INCLUDING ANNULAR ADJOINING MEMBER

APPLICANT(S) FOR DO/EO/US

Scott Manzo

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

Recordation Cover Sheet; Certificate of Express Mailing

|   |  |                                  |  |
|---|--|----------------------------------|--|
| U.S. APPLICATION NO. (if known) <b>10/518040</b><br>INTERNATIONAL APPLICATION NO.<br>PCT/US03/11693 |  | ATTORNEY'S DOCKET NUMBER<br>2842 |  |
|---|--|----------------------------------|--|

|  |              |              |                  |                                  |             |
|--|--------------|--------------|------------------|----------------------------------|-------------|
| 21. <input checked="" type="checkbox"/> The following fees are submitted:<br><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b><br>Neither international preliminary examination fee (37 CFR 1.482)<br>nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO<br>and International Search Report not prepared by the EPO or JPO. .... <b>\$1080.00</b><br><br>International preliminary examination fee (37 CFR 1.482) not paid to<br>USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$920.00</b><br><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO<br>but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$770.00</b><br><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO<br>but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$730.00</b><br><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO<br>and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b><br><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> |              |              |                  | <b>CALCULATIONS PTO USE ONLY</b> |             |
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months<br>from the earliest claimed priority date (37 CFR 1.492(e)).   |              |              |                  | \$                               |             |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA | RATE             | \$                               |             |
| Total claims   | 32 - 20 =    | 12           | x <b>\$18.00</b> | \$                               | 216.00      |
| Independent claims   | 3 - 3 =      | 0            | x <b>\$86.00</b> | \$                               | 0.00        |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |              |                  | + <b>\$290.00</b>                | \$          |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |              |                  | \$                               | 216.00      |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above<br>are reduced by 1/2.  |              |              |                  | \$                               |             |
| <b>SUBTOTAL =</b>  |              |              |                  | \$                               | 1,296.00    |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months<br>from the earliest claimed priority date (37 CFR 1.492(f)).  |              |              |                  | \$                               |             |
| <b>TOTAL NATIONAL FEE =</b>  |              |              |                  | \$                               | 1,296.00    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be<br>accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +   |              |              |                  | \$                               | 40.00       |
| <b>TOTAL FEES ENCLOSED =</b>   |              |              |                  | \$                               | 1,336.00    |
|  |              |              |                  | Amount to be<br>refunded:        | \$          |
|  |              |              |                  | charged:                         | \$ 1,336.00 |

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 21-0550 in the amount of \$ 1,336.00 to cover the above fees.  
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
 overpayment to Deposit Account No. 21-0550. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card  
 information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)  
 or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Kimberly V. Perry  
 Patent Counsel  
 U.S. Surgical, a division of  
 TYCO HEALTHCARE GROUP LP  
 150 Glover Avenue  
 Norwalk, CT 06856

SIGNATURE \_\_\_\_\_  
 Kimberly V. Perry

NAME \_\_\_\_\_  
 43,612

REGISTRATION NUMBER \_\_\_\_\_

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 1,336.00

## Complete if Known

|                      |                       |
|----------------------|-----------------------|
| Application Number   | To Be Assigned        |
| Filing Date          | Concurrently Herewith |
| First Named Inventor | Scott Manzo           |
| Examiner Name        | Unknown               |
| Art Unit             | Unknown               |
| Attorney Docket No.  | 2842                  |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit  
Account  
Number  
Deposit  
Account  
Name

21-0550

U.S. Surgical

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity<br>Fee Code (\$) | Small Entity<br>Fee Code (\$) | Fee Description        | Fee Paid       |
|-------------------------------|-------------------------------|------------------------|----------------|
| 1001 770                      | 2001 385                      | Utility filing fee     | 1080.00        |
| 1002 340                      | 2002 170                      | Design filing fee      |                |
| 1003 530                      | 2003 265                      | Plant filing fee       |                |
| 1004 770                      | 2004 385                      | Reissue filing fee     |                |
| 1005 160                      | 2005 80                       | Provisional filing fee |                |
| SUBTOTAL (1)                  |                               |                        | (\$ ) 1,080.00 |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 32                 | -20** = 12   | 18.00          | 216.00   |
| 3                  | -3** = 0     | 86.00          | 0.00     |
| Multiple Dependent |              | 290.00         |          |

| Large Entity<br>Fee Code (\$) | Small Entity<br>Fee Code (\$) | Fee Description  | Fee Paid     |
|-------------------------------|-------------------------------|--|--------------|
| 1202 18                       | 2202 9                        | Claims in excess of 20                                     |              |
| 1201 86                       | 2201 43                       | Independent claims in excess of 3                          |              |
| 1203 290                      | 2203 145                      | Multiple dependent claim, if not paid                      |              |
| 1204 86                       | 2204 43                       | ** Reissue independent claims over original patent         |              |
| 1205 18                       | 2205 9                        | ** Reissue claims in excess of 20 and over original patent |              |
| SUBTOTAL (2)                  |                               |  | (\$ ) 216.00 |

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description  | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130      | 2051 65       | Surcharge - late filing fee or oath  |          |
| 1052 50       | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130      | 1053 130      | Non-English specification  |          |
| 1812 2,520    | 1812 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804 920*     | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*   | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110      | 2251 55       | Extension for reply within first month                                     |          |
| 1252 420      | 2252 210      | Extension for reply within second month                                    |          |
| 1253 950      | 2253 475      | Extension for reply within third month                                     |          |
| 1254 1,480    | 2254 740      | Extension for reply within fourth month                                    |          |
| 1255 2,010    | 2255 1,005    | Extension for reply within fifth month                                     |          |
| 1401 330      | 2401 165      | Notice of Appeal   |          |
| 1402 330      | 2402 165      | Filing a brief in support of an appeal                                     |          |
| 1403 290      | 2403 145      | Request for oral hearing   |          |
| 1451 1,510    | 1451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 110      | 2452 55       | Petition to revive - unavoidable   |          |
| 1453 1,330    | 2453 665      | Petition to revive - unintentional   |          |
| 1501 1,330    | 2501 665      | Utility issue fee (or reissue)   |          |
| 1502 480      | 2502 240      | Design issue fee   |          |
| 1503 640      | 2503 320      | Plant issue fee  |          |
| 1460 130      | 1460 130      | Petitions to the Commissioner  |          |
| 1807 50       | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180      | 1806 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021 40       | 8021 40       | Recording each patent assignment per property (times number of properties) | 40.00    |
| 1809 770      | 2809 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 770      | 2810 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 770      | 2801 385      | Request for Continued Examination (RCE)                                    |          |
| 1802 900      | 1802 900      | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 40.00

## SUBMITTED BY

(Complete if applicable)

|                   |                   |                                   |         |           |              |
|-------------------|-------------------|-----------------------------------|---------|-----------|--------------|
| Name (Print/Type) | Kimberly V. Perry | Registration No. (Attorney/Agent) | 43,612  | Telephone | 203-845-4562 |
| Signature         |                   | Date                              | 12/9/04 |           |              |

## CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EJ 853409496 US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 12/9/04

Vanessa M. Rosado

10/518040

DT05 Rec'd PCT/PTO 09 DEC 2004  
Docket: 2842

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Scott Manzo  
Examiner: To Be Assigned Group Art Unit: To Be Assigned  
Serial No: To Be Assigned Filed: Concurrently Herewith  
For: **METHOD AND APPARATUS FOR ANASTOMOSIS  
INCLUDING ANNULAR ADJOINING MEMBER**

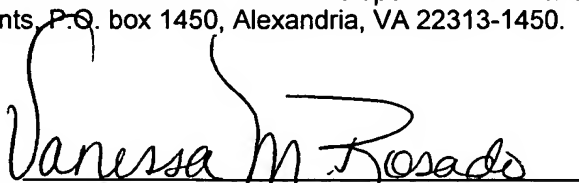
CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.: EJ 853409496 US  
Date of Deposit: December 9, 2004

I hereby certify that the following:

- ☒ This Certificate of Express Mailing
- ☒ Transmittal Letter to the U.S. Designated/Elected Office  
(DO/EO/US) Concerning a Filing Under 35 USC 371
- ☒ Fee Transmittal
- ☒ Executed Patent Assignment for Recording
- ☒ Recordation Cover Sheet
- ☒ A patent application consisting of 22 pages  
of abstract, specification and claims
- ☒ 8 sheets of ☒ formal ☐ informal drawings
- ☒ Executed Declaration and Power of Attorney
- ☒ Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the Date of Deposit indicated above in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. box 1450, Alexandria, VA 22313-1450.

  
Vanessa M. Rosado

United States Surgical, a division of  
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